

# 'Unshackling' the CIA won't give it intelligence

"Intelligence is not a science," Admiral Stansfield Turner, director of the Central Intelligence Agency, declared recently in an address to the American Society of Newspaper Editors in Washington. "It is a craft — even, at times, an art. An element of trust is vital because without it, flexibility is lost. And an intelligence organization that lacks flexibility is just another bureaucracy."

Trust. As Mr. Dooley once said, "Thrust iverybody — but cut th' cards." Admiral Turner, bespeaking the Carter administration's case for "unshackling" the CIA in a new legislative charter, has a peculiarly one-sided notion of trust. It is that Congress, representing the American people, should trust him and the CIA, but that Congress should not be trusted.

Yet as the CIA director conceded elsewhere in his address, "In practice, in my three years of association with the committees of Congress, they have exercised extraordinarily good judgment and have not pressed us for a level of detail that was unnecessary." Nor does he cite a single instance in which the eight committees of Congress, whom the president is required to inform "in timely fashion" before any covert operations can be undertaken, have betrayed their trust.

The argument, though, is not about the number of committees which should be informed "in timely fashion." On that, there is a consensus that eight committees with 163 members, plus staffers, is probably too many. The argument is over what is "timely fashion," and what kind of operations should be reported, and how they should be controlled, and who should make the decisions.

The Carter administration's position is that, as the President said in his State of the Union address, "unwarranted restraints on our ability to collect intelligence" should be removed. One of those is the legal requirement, proposed in the major Senate bill, that the president give Congress prior notice of covert activities. Another is the requirement in the 1974 Hughes-Ryan

amendment governing clandestine operations that the president must personally approve all covert operations. The administration wants a proviso requiring the president to approve only covert operations involving "substantial" risks and, in effect, leaving it up to the CIA to determine what those operations are.

On that, the administration has changed its position since early 1977, when soon-to-be Secretary of State Cyrus Vance was declaring that covert activities should be undertaken only in "the most extraordinary circumstances" and that on all of them the president "should sign off in writing, saying that he believes this vital to the national security."

The administration was right then, wrong now. The U.S. should not go back to the days when the CIA had the "flexibility" and used it to plot murder of foreign leaders, to spy on American citizens, and to operate its own foreign policy or, with a wink from the White House, a foreign policy unknown to Congress and the American people.

Nor should the CIA be given such vague authority as to permit it to spy on the political activities of American citizens and in other ways abuse their rights and liberties — activities that were justified on the grounds of "inherent power." In bills before the Senate, they would be codified. The case against is simple. Government cannot be trusted. Admiral Turner's arguments to the contrary are disingenuous. The Founding Fathers knew what they were doing when they wrote certain prohibitions on governmental power into the Constitution.

Admiral Turner demonstrates their understanding, and his own lack of it, in declaring that he "wouldn't hesitate" to use journalists in secret intelligence operations if he thought such a practice justified. The function of journalists is to get news, independent of any government, including their own. It is not self-serving, it is, rather, serving the interests of the people for whom that news is vital, to point out that that function can not be exercised freely if journalists are suspected of being spies in the pay of their govern-

ment. The CIA director says he is not now employing journalists as spies; the charter should specifically forbid such employment.

The legislative charter also should not go too far in relieving the CIA from the reasonable requirements of the Freedom of Information Act. Under the current law, genuine secrets are protected from disclosure. Admiral Turner is also disingenuous in his argument that the CIA should in effect be immune even from judicial review of its secrecy stamps. Sources must be protected; but it is one thing to say that, another to demonstrate, which Admiral Turner does not, that any sources have been blown by reasonable access to nonsecrets.

Something is missing in much of the debate over "unshackling" the CIA. That is that the primary mission of the agency is not covert operations. It is to gather intelligence, to analyze it, to evaluate it, and to disseminate it to those who need it (and their responsibility is to act upon it). Keeping the CIA from repeating its past abuses has little if anything to do with that mission. Indeed, one can make a case that the CIA's diversion into cloak-and-dagger operations had much to do with its failures in its primary mission.

In August, 1978, a top-secret CIA report advised that "Iran is not in a revolutionary or even pre-revolutionary situation." Five months later the shah left the country on his extended "vacation." In February last year, Admiral Turner acknowledged that the CIA had been caught by surprise by events in Iran.

The CIA's failure did not come about because of shackles placed upon it by the Congress. It came about because of its own political and intellectual inflexibility in pursuing the art and craft of intelligence. The way to avoid such failures in the future is not to give the CIA the authority it abused in the past but by structuring it to pursue its primary mission.